

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

KAREN WALDRON,

Plaintiff,

v.

HEALTH SUPPLY US, LLC,

Defendant.

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No. _____

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE DISTRICT COURT OF THE UNITED
STATES FOR THE EASTERN DISTRICT OF TENNESSEE**

Pursuant to the provisions of 28 U.S.C. §§ 1332, 1441 and 1446, Health Supply US, LLC, defendant in the case captioned *Karen Waldron v. Health Supply US, LLC*, Tennessee Circuit Court, Jefferson County, Case No. 27482-IV (the “State Court Action”), hereby gives notice of removal to this Court of the State Court Action.

Removal is proper under 28 U.S.C. § 1441 because this Court has original jurisdiction under 28 U.S.C. § 1332, in that complete diversity exists between the parties and the amount in controversy exceeds \$75,000.00. In support of this Notice of Removal, Defendant shows the Court as follows:

PROCEDURAL BACKGROUND

1. In summary, the State Court Action is a breach of contract case filed by plaintiff Karen Waldron (“Plaintiff” or “Waldron”), against her former employer, Defendant Health Supply US, LLC (“Defendant” or “HSUS”). The Summons and Complaint that Waldron filed in the State Court Action (the “Complaint”) are attached hereto as **Exhibit 1**. Exhibit 1 contains all process,

pleadings and orders served on Defendant in the State Court Action and there are no pending motions that would require action by this Court after removal.

2. The State Court Action was filed on November 21, 2022 and served on December 6, 2022.

3. Waldron is a citizen and resident of Jefferson County, Tennessee. (Complaint, ¶ 1)

4. HSUS is a North Carolina Limited Liability Company, with its principal place of business located in Mooresville, North Carolina. (Complaint, ¶ 3)

5. The Complaint alleges that Plaintiff and Defendant entered into an employment agreement on or about April 20, 2020. (Complaint, ¶ 4)

6. The Complaint further alleges that Defendant breached the terms of the purported employment agreement by failing to pay Plaintiff the balance of a bonus allegedly owed to Plaintiff by Defendant. (Complaint, ¶ 12)

7. The Complaint includes a single claim for breach of contract. (Complaint, ¶¶ 12-14)

TIMELINESS OF REMOVAL

8. This Notice of Removal is timely filed in compliance with 28 U.S.C. § 1446(b) because it is filed within 30 days after December 6, 2022, when Defendant first received a copy of the Complaint through service of the Summons and Complaint.

BASIS FOR REMOVAL JURISDICTION

9. Complete diversity exists between the parties in this case. Plaintiff is a citizen of Tennessee, while Defendant is a citizen of North Carolina. (Complaint, ¶¶ 2-3)

10. The allegations in Plaintiff's Complaint filed in the State Court Action satisfy the \$75,000 amount in controversy requirement under 28 U.S.C. § 1332(b). Specifically, Plaintiff has demanded judgment in the amount of \$197,627.25. (Complaint, p. 3)

VENUE

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the Eastern District of Tennessee, Northern Division, is the federal jurisdiction embracing the Circuit Court of Jefferson County, Tennessee where Plaintiff filed the State Court Action.

NOTICE TO STATE COURT AND PLAINTIFF

12. Pursuant to 28 U.S.C. § 1446(d), Defendant has filed this Notice with the Court, is serving a copy of this Notice upon counsel for Plaintiff, and is filing a Notice of Filing Notice of Removal with the Clerk of the Circuit Court for Jefferson County, Tennessee, thereby effectuating the removal of this action to this Court. A copy of the Notice of Filing Notice of Removal (without exhibits) is attached hereto as **Exhibit 2**.

13. WHEREFORE, the case now pending in the Circuit Court of Jefferson County, Tennessee under the caption *Karen Waldon v. Health Supply US, LLC*, Case No. 27482-IV is hereby removed to the United States District Court for the Eastern District of Tennessee, pursuant to 28 U.S.C. §§ 1441 and 1446.

This the 5th day of January, 2023.

s/ J. Chadwick Hatmaker

J. Chadwick Hatmaker, BPR #018693

Kaitlyn E. Hutcherson, BPR #035188

Woolf, McClane, Bright, Allen & Carpenter, PLLC
Post Office Box 900

Knoxville, Tennessee 37901

Tel: 865-215-1000

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the following counsel for the parties in interest herein by mailing same to the offices of said counsel by United States Mail with sufficient postage thereon to carry the same to its destination.

Jeffrey C. Taylor, Esq.
Taylor Law Firm
365 West Third North Street
Morriston, Tennessee 37814
Jeff@taylorlawfirmtn.com

This the 5th day of January, 2023.

s/ J. Chadwick Hatmaker

J. Chadwick Hatmaker